

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

JANUARY 21, 2009

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.***

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:30 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	McCoy, McLean
Councilmembers absent:	King
Mayor present:	Janney
Mayor Pro Tem present:	Bragg

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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CLOSED SESSION

MOTION BY MCCOY , SECOND BY BRAGG, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(c)
Number of Potential Cases: 1

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957
Title: City Manager

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, MCLEAN, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	KING

MAYOR JANNEY adjourned the meeting to Closed Session at 5:31 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, and had no reportable action.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Councilmembers present:	McCoy, McLean
Councilmembers absent:	King
Mayor present:	Janney
Mayor Pro Tem present:	Bragg

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MAYOR JANNEY announced Item No. 5.1 - CITY OF IMPERIAL BEACH DRAFT BICYCLE TRANSPORTATION PLAN AND DRAFT ENVIRONMENTAL IMPACT REPORT BICYCLE TRANSPORTATION PLAN AND ECO BIKEWAY PALM AVENUE TRAFFIC CALMING PLAN is time specific for 7:00 p.m.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE & COMMUNITY ANNOUNCEMENTS

MAYOR JANNEY announced he had a meeting with the Director of the Comisión Estatal de Servicios Públicos de Tijuana (CESPT), where he received a presentation on sewer system improvements south of the U.S. border; he requested staff arrange a similar presentation to City Council for March or April.

COMMUNICATIONS FROM CITY STAFF

None

PUBLIC COMMENT

JUNE ENGLE, Branch Librarian at the I.B. Library, thanked the I.B. Fire Dept. for participating in story time; she announced the Sheriff's Dept. will conduct an identity theft program on February 11; she reported on the S.D. County Library's radiofrequency identification system (RFID) which will allow customers to self-checkout books; bilingual story time will begin in February, and there will be an ESL café giving the public the opportunity to practice their English language skills.

PRESENTATIONS (1.1 - 1.3)

1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)

MAYOR JANNEY presented the Recycle All-Star Award Certificate and oil recycling premiums to George and Pat Wyckoff.

MARCO TOPETE, of EDCO, presented the \$100.00 check and used oil-recycling premiums to Mr. and Mrs. Wyckoff.

1.2 PRESENTATION ON THE RESULTS OF BIKE THE BAY 2008 BY ANDY HANSHAW. (0680-20)

ANDY HANSHAW, of Bike the Bay, gave a PowerPoint presentation on the results of the 2008 Bike the Bay Event and he thanked all of the agencies, volunteers, and sponsors who participated in the event. This year's event is scheduled for August 30.

1.3 PRESENTATION ON SB 375 BY KIM KAWADA, POLICY AND LEGISLATIVE AFFAIRS PROGRAM MANAGER OF SANDAG. (0140-40 & 0460-40)

BOB LEITER, Planning Director of SANDAG, gave a PowerPoint presentation on SB 375 and its effects on regional and local planning; the five key provisions of SB 375 are: creates regional targets for greenhouse gas emissions, requires regional planning agencies create Sustainable Community Strategy, connects regional housing allocation planning with Regional Transportation Plan (RTP), requires regional transportation funding decisions be consistent with RTP, and streamlines and creates new CEQA exemptions for certain projects.

COUNCILMEMBER MCCOY spoke about a report by the SDSU Foundation titled, "San Diego's Changing Climate: A Regional Wakeup Call"; the report focuses on the impacts of climate change in San Diego County should current trends continue; and she recognized Mr. Leiter as one of the contributors.

CONSENT CALENDAR (2.1 - 2.4)

MOTION BY MCCOY, SECOND BY MCLEAN, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.4. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, MCLEAN, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	KING

2.1 MINUTES.

Approved the minutes of the City Council meeting of December 3, 2008.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 67755 through 67932 with the subtotal amount of \$1,133,434.46; and Payroll Checks 40502 through 40648 for the pay periods ending 12/04/08, 12/18/08 and 01/01/09 with the subtotal amount of \$476,246.70; for a total amount of \$1,609,681.16.

2.3 RESOLUTION NO. R-09-169 – ACCEPTING THE STATE CONTROLLER'S ANNUAL REPORT ON FINANCIAL TRANSACTIONS, HOUSING AND COMMUNITY DEVELOPMENT ANNUAL REPORT OF HOUSING ACTIVITY FOR THE YEAR ENDED JUNE 30, 2008, AND THE REDEVELOPMENT AGENCY FINANCIAL STATEMENTS AS OF JUNE 30, 2008. (0300-88 & 0310-30)

Adopted resolution.

- 2.4 RESOLUTION NO. 2009-6708 – AUTHORIZING THE EXPENDITURE PLAN FOR THE FY 2008-2009 SUPPLEMENTAL LAW ENFORCEMENT STATE FUNDING (SLESF) GRANT ALSO KNOWN AS THE COPS GRANT. (0260-15 & 0390-86)**
Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)

- 3.1 ORDINANCE NO. 2009-1081 – AMENDING TITLE 4 OF THE IMPERIAL BEACH MUNICIPAL CODE REGULATING SALES OF TOBACCO PRODUCTS AND PARAPHERNALIA. (0600-95)**

MAYOR JANNEY declared the continued public hearing open.

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH gave a report on the item; and noted for the record that the public hearing was noticed as a change to Title 19, however, Title 4 will be the only section amended.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2009-1081.

CITY CLERK HALD read the title of Ordinance No. 2009-1081, an Ordinance of the City Council of the City of Imperial Beach, California, adding Title 4 (Business Regulation), Chapter 56 (Smoke Shops).

MOTION BY MCCOY, SECOND BY MCLEAN, TO DISPENSE FIRST READING AND INTRODUCE ORDINANCE NO. 2009-1081 BY TITLE ONLY, SET THE MATTER FOR ADOPTION AT THE NEXT REGULAR CITY COUNCIL MEETING OF FEBRUARY 4, 2009, AND AUTHORIZE THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION. MOTION CARRIED BY THE FOLLOWING BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, MCLEAN, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	KING

ORDINANCES – SECOND READING & ADOPTION (4)

None.

REPORTS (6.3, 6.5 - 6.7)

Consensus of City Council to take Item No. 6.3 at this time.

- 6.3 PROPOSAL FOR CUSTOM SEASONAL LIFEGUARD TOWER FOR PALM AVENUE STREET END. (0220-20)**

CITY MANAGER BROWN reported that staff is considering other options and recommended that the item be removed from the agenda.

MOTION BY MCCOY, SECOND BY BRAGG, TO MOVE ITEM NO. 6.3 – PROPOSAL FOR CUSTOM SEASONAL LIFEGUARD TOWER FOR PALM AVENUE STREET TO A FUTURE AGENDA. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, MCLEAN, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	KING

Consensus of City Council to take Item No. 6.5 at this time.

6.5 RESOLUTION NO. R-09-168 – RATIFICATION OF AN AGREEMENT WITH SCS ENGINEERS FOR ENVIRONMENTAL CONSULTANT. (0640-20)

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave a report on the item and responded to Council's concerns regarding abatement of asbestos.

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. R-09-168 – RATIFYING AN AGREEMENT WITH SCS ENGINEERS FOR ENVIRONMENTAL ENGINEERING SERVICES. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, MCLEAN, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	KING

Consensus of City Council to take Item No. 6.6 at this time.

6.6 RESOLUTION NO. R-09-167 – AUTHORIZING A THIRD AMENDMENT TO AN AGREEMENT WITH NASLAND ENGINEERING FOR CIVIL ENGINEERING SERVICES. (0720-25)

COUNCILMEMBER MCCOY announced she had a potential conflict of interest on the item as her home is within 500 ft. of the project and left Council chambers at 6:50 p.m.

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave a report on the item.

MOTION BY BRAGG, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. R-09-167 – APPROVING A THIRD AMENDMENT TO AN AGREEMENT WITH NASLAND ENGINEERING FOR CIVIL ENGINEERING SERVICES. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCLEAN, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	KING
DISQUALIFIED:	COUNCILMEMBERS:	MCCOY (DUE TO A POTENTIAL CONFLICT OF INTEREST)

COUNCILMEMBER MCCOY returned to Council Chambers at 6:53 p.m.

Consensus of City Council to take Item No. 6.7 at this time.

6.7 RESOLUTION NO. 2009-6706 – APPROVING THE CONTRACT LAW ENFORCEMENT PROGRAM JOINT OPERATING AND FINANCIAL PLAN ALSO KNOWN AS “ATTACHMENT B” FOR FISCAL YEAR 2008-2009. (0260-10)

CITY MANAGER BROWN reported on the item and noted that the cost for law enforcement is approximately one-third of the City's General Fund budget.

MOTION BY BRAGG, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2009-6706 – APPROVING THE CONTRACT LAW ENFORCEMENT PROGRAM JOINT OPERATING AND FINANCIAL PLAN, ALSO KNOWN AS “ATTACHMENT B” FOR FISCAL YEAR 2008/2009. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, MCLEAN, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	KING

<i>Item No. 5.1 discussed at 7:00 p.m. – TIME SPECIFIC</i>
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PUBLIC HEARINGS (5.1)

5.1 CITY OF IMPERIAL BEACH DRAFT BICYCLE TRANSPORTATION PLAN AND DRAFT ENVIRONMENTAL IMPACT REPORT BICYCLE TRANSPORTATION PLAN AND ECO BIKEWAY PALM AVENUE TRAFFIC CALMING PLAN. (0680-20 & 0750-90)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item and noted that to date staff has not received any written comments submitted by the public.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item.

RYAN ZELLERS, of KOA Corporation, gave a PowerPoint presentation on the item and noted that approval of the final EIR is scheduled for April 1.

MATT CARLTON, Principal of IB Elementary School, stated that some parents have expressed interest in having their children ride bikes to school; he noted that the school district and Sheriff's Department are concerned about safety especially along Imperial Beach Blvd. due to traffic; he requested consideration of a dedicated bike lane along Imperial Beach Blvd.

MR. ZELLERS responded that Mr. Carlton's request has been noted; however, he encouraged him to put his request in writing; he spoke on how the lengths of turn pockets are determined; how the intersection at Rainbow Drive and 5th Street will be wired (construction ready) for a traffic signal for future use; and he spoke how air quality is measured and how the SANTEC method is used to determine roadway conditions.

MAYOR PRO TEM BRAGG spoke in support of children riding bicycles to schools.

MAYOR JANNEY expressed concern about narrowing the road down to one lane on Palm Ave. and spoke of the importance of moving forward with the Bicycle Transportation Plan.

MR. ZELLERS stated that the best example lane reduction is at La Jolla Blvd. and Pacific Beach Drive, where the four-lane road was successfully reduced to a two lane road.

MICHAEL DENNISON requested that the PowerPoint presentation be placed on the City's website; he expressed concern about potential traffic impacts resulting from reducing lanes.

MAYOR JANNEY closed the public hearing.

REPORTS (6.1, 6.2 & 6.4)

6.1 9TH STREET & PALM AVENUE. (0640-20)

CITY MANAGER BROWN reported on the item and summarized that, based on the discussion at the City Council workshop, staff would pursue an all commercial development at Palm Avenue and 9th Street.

Council discussion ensued regarding the importance of development that is consistent with the Palm Ave. Commercial Corridor Master Plan and an urban design that incorporates parking in the back; if residential dwelling units were being precluded and whether to support an all commercial project; whether to have rental units; and supporting a project that included condo units and fostering homeownership.

Opposition to low- to moderate-income rentals was expressed.

CITY MANAGER BROWN stated that in today's economy it is unlikely that proposals will include condo ownership, there may, however, be a possibility for market rate rentals.

CARSON DOLLICK spoke in opposition to having rental units; he supported high-end residential units; he suggested a lottery system where some units are sold below market value to keep it fair.

COUNCILMEMBER MCCOY suggested the use of RDA housing funds for workforce housing.

COMMUNITY DEVELOPMENT DIRECTOR WADE suggested that housing not be precluded as a possibility through the RFP process; he noted that emphasis should be given to projects that provide at least 50,000 square feet of retail commercial space; should housing be proposed there could be emphasis on "for sale" condos and other criteria so desired; he also noted that projects submitted under this RFP would most likely be non-residential due to the current economy.

CITY MANAGER BROWN stated staff will return with proposed language.

6.2 DRAFT FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM BUDGET FISCAL YEAR 2009-2010 THROUGH FISCAL YEAR 2013-2014. (0330-35)

MAYOR JANNEY suggested that the item be continued as Councilmember King had requested participation on the item.

CITY MANAGER BROWN stated this item would be brought back for consideration at the next

City Council meeting and questioned if there were anyone in the audience who had comments.

PUBLIC WORKS DIRECTOR LEVIEN gave an overview of the draft budget and noted that the skate park and the Veterans Park improvements are not listed in the budget because these projects are funded in this year's budget; and he submitted a page regarding the RTIP (from the Streets section) that was inadvertently omitted.

THERESA IRISH expressed concern about the placement of some of the bricks at Veterans Park; she requested an area be designated for bricks commemorating soldiers.

6.4 PROPOSITION 84 STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION ACT OF 2008 (STATEWIDE PARK ACT). (0460-40 & 0920-05)

CITY MANAGER BROWN introduced the item; he stated that there may be an opportunity to obtain funding for a park in the southeast portion of the City; however, much staff effort would be needed to accomplish this task.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item; he spoke about the funding criteria for Proposition 84; he noted that in the Oneonta Neighborhood there is no park land and that the project would take a significant amount of staff effort; and asked for City Council's direction on whether or not to pursue the opportunity.

City Council discussion ensued regarding if the community wants a park in the area; possibly working with Oneonta Elementary School for a possible site; and speaking with Realtor Pat Hutchins about possible sites.

MICHAEL DENNISON questioned if a leash-free dog park existed.

CITY MANAGER BROWN responded that there is leash-free park on Navy property at the end of Silver Strand.

MAYOR JANNEY spoke in support of pursuing something in the east part of the city.

CITY MANAGER BROWN stated that staff will discuss possible sites with Ms. Hutchins; he recognized South Bay Union School District Board Member Christine Brown was in attendance and encouraged her to discuss the matter with the elementary school board.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

MAYOR/COUNCIL REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER MCCOY reported that at the Metro meeting, Coastkeeper and Surfrider came to the conclusion that they need to conduct a study on the reuse of sewage water.

MAYOR PRO TEM BRAGG reported that she was in Sacramento representing the City on the League of California Cities Housing Community and Economic Development Policy Committee, the main topic of discussion was on SB 375.

COUNCILMEMBER MCLEAN spoke about the status of the Bayshore Bikeway at 13th Street.

CITY MANAGER BROWN reported that the League of California Cities Coastal Cities Subcommittee is trying to arrange a workshop with the Coastal Commission to work on improved communication and processing of permits; in follow-up to the Strategic Planning Workshop, he suggested that a City Council Workshop on revenue ideas be held the week of February 9.

MAYOR JANNEY suggested holding a workshop on February 10.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 9:04 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk